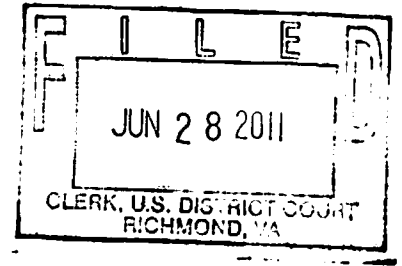


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



SYLVESTER MAURICE LIPSCOMBE,

Petitioner,

v.

Civil Action No. 3:10CV183

PATRICIA STANSBURY,

Respondent.

**MEMORANDUM OPINION**

Sylvester Maurice Lipscombe, a federal inmate incarcerated within the Federal Bureau of Prisons ("BOP"), submitted this petition for a writ of habeas corpus under 28 U.S.C. § 2241. Lipscombe asserts that he is entitled to relief because: "The BOP is abusing the Petitioner's judgment in relation to the restitution imposed by the Court by demanding Petitioner to pay restitution under the [BOP's] . . . payment plan without the authorization of the Judge." (Mem. Supp. § 2241 Pet. 2.) Respondent has moved for summary judgment on the grounds that, *inter alia*, Lipscombe has failed to exhaust his administrative remedies. The matter is ripe for disposition.

"Federal prisoners must exhaust their administrative remedies prior to filing § 2241 petitions." *McClung v. Shearin*, 90 F. App'x 444, 445 (4th Cir. 2004)(citing *Carmona v. U.S. Bureau of Prisons*, 243 F.3d 629, 634 (2d Cir. 2001); *Little v. Hopkins*, 638 F.2d 953, 953–54 (6th Cir. 1981)). The BOP provides a three-tiered administrative process:

First, the inmate must present the complaint informally on Form BP-8 to a staff member at the facility where he is housed. 28 C.F.R. § 542.13(a). If this informal procedure does not resolve the issue, the inmate then commences the three-tiered administrative remedy procedure by filing a formal written complaint on a Form BP-9 with the warden at the local level. 28 C.F.R. § 542.14. If unsatisfied with the warden's

*Rash v. Stansberry*, No. 3:08CV94, 2009 WL 632606, \*1 (E.D. Va. Mar. 11, 2009).

An appropriate Order shall issue.

/s/  
James R. Spencer  
Chief United States District Judge